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Joseph Bradford Peaks

1839-1911

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*Joseph B. Deeks*

**J**OSEPH BRADFORD PEAKS  
ADDRESSES ON HIS LIFE AND CHARACTER  
DELIVERED BEFORE THE PISCATAQUIS COUN-  
TY HISTORICAL SOCIETY AT DOVER, MAINE,  
APRIL 25, 1912. SUPPLEMENTED BY THE PRO-  
CEEDINGS OF THE PISCATAQUIS COUNTY BAR  
ASSOCIATION AT THE MEMORIAL EXERCISES  
HELD AT THE SUPREME JUDICIAL COURT,  
SEPTEMBER TERM, 1912.

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# Joseph Bradford Peaks

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## Proceedings of the Piscataquis County Historical Society

The quarterly meeting of the Society was held at the Law Library in Dover, Maine, Thursday, April 25, 1912, having been adjourned from April 4, 1912, and was called to order by the president, Honorable John F. Sprague, at two o'clock in the afternoon.

[THE PRESIDENT.] The hour has arrived to which this meeting was adjourned.

This meeting was especially set apart for memorial exercises in memory of our late honored member, the Honorable Joseph B. Peaks. At a previous meeting of the Society, a committee on resolutions was appointed.

Is that committee ready to report?

[MR. SMITH.] Mr. President: Your committee has attended to the duty assigned it, and begs leave to submit the following:

## Resolutions

WHEREAS, in the fullness of His appointed time, the Ruler of Destinies has taken from among us one of our number, and has in His omnipotent wisdom measured to him his just reward, therefore, in the death of Joseph B. Peaks, be it

RESOLVED, that this Society has been deprived of one of its most honored and distinguished members.

RESOLVED, that the community has lost one of its foremost citizens; one who was ready at all times and in all seasons with wise counsels, ready assistance, and generous aid in all things tending to promote the general welfare of all; that the State suffers in the loss of a citizen whose broad influence has always been exerted for the upbuilding of her institutions, and the defending of her bulwarks.

RESOLVED, that from the legal profession, in his death, has been removed one of their number who always upheld the dignity of the profession, by his large ability, forceful character, and zealous watchfulness, guarding the interests of his clients as his own, but with the sole intention that right might prevail.

RESOLVED, that these resolutions be spread upon our records, and a copy of them sent to the family of the deceased.

EDGAR C. SMITH,	}	Committee on Resolutions.
LISTON P. EVANS,		
WILLIAM H. STURTEVANT,		

Dover, April 25, 1912.

[MR. SMITH.] Mr. President: I move the adoption of the resolutions.

[THE PRESIDENT.] The resolutions will lie upon the table until the members have had an opportunity to speak to them.

Judge Edgar C. Smith then read the following biographical sketch.

### Joseph Bradford Peaks, 1839-1911

The president of the society having, agreeably to a vote, appointed a committee to draft resolutions and to present a tribute to the memory of our late honored member, Joseph Bradford Peaks, as chairman of that committee, the honor of the preparation of this memorial has fallen to my lot. I truly consider it an honor to be entrusted with this undertaking of transcribing upon our records, there to be preserved in our archives, our appreciation of a man who has not only left the impress of his character upon his immediate surroundings, but has had an influence in shaping the policies of the whole state in which he lived.

His was a character which could not be confined in narrow limits, but from his very makeup, his characteristics were such as would command attention.

Colonel Joseph Bradford Peaks was the youngest of the family of seven children of F. William and Betsey (Billington) Peaks, and was born in Charleston, Maine, September 26, 1839. The line of the Peaks family of which he was a member is one of the early New England families. The founder was William Peaks, who was a resident of Scituate, Massachusetts, as early as 1643. This ancestor, in 1650, married the widow Judith Littlefield, and from this union there were three children, Israel, Eleazer and William, from whom came the branch of the family in America who spelled their names with an s, all the others using the original English name Peake.

The first of the family to settle in Maine was Israel Peaks, the grandfather of the subject of this sketch, who probably lived in several Maine towns, but finally settled in Dedham, and died there in 1865.

Colonel Peaks' father was born in Gloucester, Massachusetts, in 1801, and died at Dedham, Maine, December 2, 1844. In 1818 he married Betsey Billington, who survived her husband many years, dying in 1871. Their children were: Josiah F., John B., Lucinda H., Almira S., William G., Thomas J. and Joseph B.

Joseph B. Peaks' boyhood days were not marked by anything different from the usual course of the average boy of his day growing to manhood in the small country town. He attended the common schools; he was an apt pupil, and from the town school he entered Charleston Academy, and also attended the East Corinth Academy, and fitted himself for college with the intention of entering Bowdoin. His plans were changed however, whether from the stern necessity of earning for himself a livelihood, or other pursuits holding out more alluring prospects, the writer is uninformed.

In the spring of 1861, Colonel Peaks was temporarily residing in Lowell, Massachusetts, with his brother. He was there on April 12, when Fort Sumpter was fired upon, and on the morning of the 15th when President Lincoln's call for troops was published in the morning papers. On that day he enlisted in the Lowell City Guards, which was one of the companies belonging to the famous Sixth Massachusetts Regiment, which received undying fame on account of its celebrated march through Baltimore on April 19, 1861, when it was attacked by the rowdies and plug-uglies of the city.

Let me tell in Colonel Peaks' own words the story of his enlistment: "On Monday morning, April 15th, the morning newspapers announced that the President had called for seventy-five thousand men. Governor Andrew of Massachusetts, a Maine born man, immediately ordered the Sixth Massachusetts Regiment to proceed to Washington. Four companies of this regiment were

located in the city of Lowell, and great excitement prevailed. At about ten o'clock in the forenoon I met, on Merrimac Street, Lieutenant Jones of the Lowell City Guards, with whom I happened to be acquainted, who informed me that he was looking after the members of his company who were somewhat scattered, because the regiment was ordered to start for Washington the next morning. I asked Lieutenant Jones if there was a chance for me in his company, and upon his reply that he would be glad to have me go, I immediately went to the armory on Market Street; at 10.30 A. M. I was a member of the company and was in uniform. I have often wondered if anybody enlisted earlier than that. I immediately commenced to drill and became so interested I forgot to go to my dinner, and only thought of it when my brother and his good wife, who had somehow heard of my enlistment, after I neglected to return to dinner, came to the armory and brought my dinner to me. I did not leave the armory after I enlisted at 10.30 in the forenoon until the regiment left Lowell the next morning for Boston."

The story of the march through Baltimore and the history of the Sixth Massachusetts, are written on the pages of the history of the great conflict, and need not be repeated here. This regiment was mustered in for three months, and after serving one month overtime by voluntary agreement of the men, they were mustered out and returned to Massachusetts.

From Lowell Colonel Peaks returned to Charleston, Maine, and taught a term or two of school. He was next mustered into the United States Army on September 18, 1862, as a private in Company K of the First Maine Cavalry, Captain John D. Myrick's command, under the lamented Colonel Calvin S. Doubt. He was in the battles of Fredericksburg, Brandy Station and

Aldie. On the 17th of June, 1863, at the battle of Aldie, he was wounded, and on November 1, 1863, he received an honorable discharge for disability.

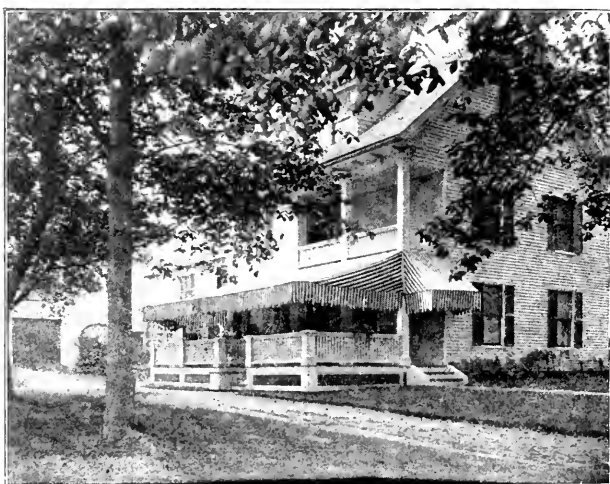
After the war he devoted himself to mercantile pursuits for a number of years. He was connected with J. C. Ayer & Co., of Lowell, Massachusetts, for a time and traveled for that firm in various parts of the United States. He was employed as a clerk for a dry goods house in Bangor afterwards, and in July, 1870, came to Dover and opened a dry goods store in partnership with Orison O. Cross.

Mr. Peaks was of a temperament that the duties and narrow limits of the life of a country merchant did not appeal to, hence he never could have been successful as a storekeeper; and after about two years in business for himself, he closed out his business as best he could and turned his attention to the law, to the practice of which he had had inclination for more than ten years.

It was back in his schooldays in East Corinth Academy that he had first commenced the study of this profession in which he was destined to become one of the leading lights of the bar of Maine. He read for a time with Jacob Lovejoy, Esquire, of East Corinth, and during all the years that intervened he never lost sight of the goal to which he hoped to attain, that of being a practicing attorney. He pursued his studies more or less while about his other employments, and for a part of the time while he was in business in Dover he was studying under the tutorship of the late Honorable Charles A. Everett. Colonel Peaks was admitted to the Piscataquis Bar at the February term of the Supreme Judicial Court, 1872.

He practiced here for a few months, but the town of Hartland at that time seemed to him to offer better opportunities, so he located there in 1873. He remained in Hartland but a few months when he went to Pittsfield.





Residence of Joseph B. Peaks, Main Street, Dover, Maine.



Here he built up a good practice and began his political career which marked him ever afterwards as one of the leaders of the Republican party in the State of Maine.

It was while he was practicing in Pittsfield that he was appointed assistant commissary-general, with the rank of lieutenant-colonel, on the staff of Governor Selden Connor, which position he held during Governor Connor's administration, for the years 1876-77-78.

On April 25, 1871, Colonel Peaks married Eliza Chadbourne, the daughter of Captain Francis W. Chadbourne.

During the time that he was in Hartland and Pittsfield his family had remained in Dover, but in 1877 his practice had assumed such proportions and his future prospects were such that he decided to purchase a home in Pittsfield, and the old homestead at Dover was offered for sale. At about this time Mrs. Peaks' mother, who lived with them, was taken seriously ill, and fearing that the thoughts of leaving her old home might have to do with her illness, Colonel Peaks, with generous self-sacrifice, and with gloomy doubts as to his prospects in Dover, decided to give up his Pittsfield practice and locate in Dover, so that the aged mother of his wife might remain in the old home she loved.

He came to Dover early in the year 1878. After his settlement here, Colonel Peaks at once assumed a prominent position at the bar, and in the political affairs of the county and State. He was an ardent Republican, having learned his Republicanism in the school of the Civil War. He imbibed a spirit of loyalty to his country and to his party in his experiences during the years of that conflict. His admiration for Lincoln was reverential; I once heard him express it in these words: "He was the greatest man on earth since the Crucified One."

To give a history of his career as a lawyer, would necessitate giving the history of a very large percentage

of the cases tried at the Piscataquis County Bar from 1878 to the day of his death.

In the September election of 1879 he was elected county attorney for Piscataquis County, assuming the duties of the office January 1, 1880. He held this position five years; one one-year term and two two-year terms. It was during his administration that the first murder trial in Piscataquis County occurred. At the September term 1881, Benjamin and Wallace Chadbourne were indicted and placed on trial for the murder of Alvin Watson. The murder occurred at Parkman, on the night of June 26, 1881. The trial lasted eleven days and resulted in the conviction of both, the father and son. Colonel Peaks was assisted at the trial by Attorney General Henry B. Cleaves.

The enormous amount of mental and physical labor required in the preparation and trial of this celebrated case taxed his health and strength beyond the limits of his endurance, and after its completion he suffered an almost complete collapse. Never afterwards did he enjoy good health. The effects of those strenuous, nerve-racking days and nights he carried with him to the grave.

In 1880, under Governor Daniel F. Davis, he received the appointment of insurance commissioner. This office he held for a term of three years.

In October, 1877, the Piscataquis Veteran Battalion was formed and held its first muster at Abbot, October 17 and 18. Colonel Peaks, though then located at Pittsfield, was prominent in its organization, and was elected major, which position he held two years, and was then, in 1879, elected colonel of the battalion. Although he was qualified to the title of colonel from the time of his appointment on Governor Connor's staff in 1876, he often said that he considered the honor greater

to have been the colonel of the old Piscataquis Veteran Battalion, and liked to consider that his particular right to that title, by which he was always thereafter familiarly known, came from his connection with that organization.

In 1880 the Piscataquis Battalion passed into the regular militia, the Douty Guards of Dover becoming Company F of the Second Regiment, and the other companies being mustered into the First Regiment Reserve Militia. The organization was completed in 1881, and Colonel Peaks was commissioned colonel of the First Regiment Reserve Militia. This position he held two years.

After completing his duties as county attorney in 1884, he held no public office for the next four years, yet no person in the county was more active in political affairs.

In 1887 he organized a company to construct the Dexter and Piscataquis Railroad. The road was built from Dexter to Dover and Foxcroft, and train service was commenced in December, 1889. I know of no one thing accomplished during his lifetime that gave him so much satisfaction as did the successful completion of this undertaking. In its prosecution he met with opposition from some sources looked for, and from some others unlooked for, but the work was finally accomplished.

Liston P. Evans, who was one of the promoters, and who knows something of the difficulties encountered, said: "It (the railroad) would have undoubtedly been built sometime, but certainly not then but for his effort. I know that there were times when most men would have given up in despair, but Colonel Peaks was not of that kind, and carried the enterprise to a successful termination. He never forgot the men who backed him with liberal subscriptions for stock."

I might go on indefinitely recording the undertakings of a public nature in which he bore a prominent part and wherein his influence was felt, and always for the best interests of the community in which he lived; the erection of the Dover public school building, the Thompson Free Library, and in fact nearly everything in an educational, benevolent, patriotic or public improvement line which has existed or has been brought into being in our towns for the past thirty-five years, he has been connected with to a greater or less degree, and his counsels and admonitions have always been for their advancement and best interests.

In the Legislatures of 1889 and 1891 he was a member of the House of Representatives, and in 1893 he was the senator from this county. Here, as in all other things with which he was connected, he was a leader. During all his service in the Legislature he was a member of the judiciary committee, the most important one of that body, and in 1891 was the chairman on the part of the House, and in 1893 was the Senate chairman. Many of the laws on our statute books today bear the impress of his large legal ability and good judgment.

In May, 1895, he was appointed, by Governor Cleaves, chairman of the Board of Railroad Commissioners of the State of Maine. When he assumed the office the electric railway was in its infancy. Of electric and horse railroads combined there were at that time but ninety-one miles in Maine, with gross earnings of five hundred thousand dollars, carrying nine million passengers a year; when he left the chairmanship of the board in 1910 there were nearly five hundred miles of electric roads with gross earnings of over two million five hundred thousand dollars, and carrying nearly fifty million passengers a year.

A greater part of the law of the land relating to these roads was made during the time that he held this important office. In the sixteen volumes of the annual reports of the railroad commissioners from 1895 to 1910 are found the learned decisions drawn by Colonel Peaks, many of them of far-reaching effect and of great importance. The first case brought before the board for decision after he became chairman was that of the Cape Elizabeth Street Railroad Company, by a petition to lay their tracks in the streets of South Portland, commencing at the southerly end of the Portland bridge. The petitioners and opponents were represented by some of the most eminent counsel in the State of Maine. This petition was at that time denied, and the written opinion contains an able explanation of the rights and obligations of street railways in the highways, and discusses the powers and limits of the Legislature regarding the same, together with a masterly exposition of the province of the Board of Railroad Commissioners. This decision was handed down June 10, 1895, hardly two weeks from the time of his appointment. From that time on he was recognized as an authority on railway law, and his decisions rarely questioned and never reversed by the courts.

His last official decision bears date of May 11, 1910, shortly prior to his retirement from the board. By odd coincidence this opinion had to do with Portland railway affairs as did his first. It was regarding the Veranda Street bridge in Portland over the tracks of the Grand Trunk Railroad, in which sidewalks were ordered to be built.

I have dwelt thus largely on Colonel Peaks' career as a public servant, for by his services as such he was best known to the greater number of the people of Maine; but from the human side of his life, to those who were

privileged to know him intimately, there was a wealth of material to draw from. He was not a man who wore his heart on his sleeve, and it took the key of friendship to unlock the repository of his true greatness, his big, warm, lovable heart. The casual acquaintance or the mere business or professional associate was not usually privileged to see this side of his nature.

I was honored for four years, I believe, with as close an intimacy with him as any person ever was, outside the limits of his own family circle. I knew of his hopes and disappointments, his joys and his sorrows, his cares and his burdens. I count it as one of the choicest experiences of my life to have been permitted to know him thus confidently. Tender in sympathy, liberal in charity, firm in convictions and quick in perception, were characteristics predominating.

He died at Portland at Dr. King's hospital, November 20, 1911, whither he had gone for treatment in hopes to regain his health, which had been delicate for some months.

Of the marriage recorded previously, there were three children: Annie Hamblen, born July 25, 1872, married William S. Kenny, now living in Chicago; Francis Chadbourne, born February 26, 1874, a practicing attorney, resident of Dover, Maine; a daughter, born in 1889, who died in infancy.

As a delineation of the character of Colonel Peaks I am unable to give anything truer or more appropriate than the words spoken at the funeral service by his friend and minister, Reverend George A. Merrill, of the Foxcroft and Dover Congregational Church. He, too, had been privileged to know him as an intimate friend and helper, and from the fullness of that knowledge, and in his heartfelt sympathy, he feelingly and touchingly said: "It is impossible for words to match the greatness of a

life. Noble character is infinitely nobler than anything that can be spoken in eulogy. It is, therefore, with a deep sense of the inadequacy of human speech, . . .

. . . that I come today to pay my poor tribute to him who was my friend. . . . Here was a man who united with exceptional strength and virility of character, a beautiful tenderness and friendliness. Not every one was admitted into this charmed circle, so that he could feel and appreciate these gracious, tender qualities of mind and heart. Yet he was not exclusive; he was democratic in the best sense, and was ever approachable, giving to all their dues but reserving for those nearest him the finest treasures of his soul. . . . Strong and decided in his opinions, and outspoken in his convictions, one was impressed also with the breadth of his knowledge, the soundness of his reasoning, and the careful thought that lay behind his decisions.

“As a friend he bore the burdens of others, entering into their troubles and doing his utmost for them. The same devotion that he gave to his clients, he gave, though in a larger measure, to his friends. No one can forget this loyalty who ever felt its power. It was indeed true that the friends he had, and their ‘adoption tried,’ he ‘grappled them to his soul with hooks of steel.’ There was another side of his life not open to the world, but which they who were nearest him knew well. It was his kindness and benevolence to the poor or to any in need who appealed to his heart. His gifts were not heralded. That splendid ‘portion of a good man’s life, his little nameless, unremembered acts of kindness and of love,’ of which the poet Wordsworth speaks, was his in abundant measure. In his life, as there ought to be in the life of every true man, there was a ‘holy of holies.’ It was his home. Dearer to him than his own life were the lives of wife and daughter and son. They were his

delight and joy. The last lines of Bryant's *Thanatopsis* most aptly applied to him.

“So live that when thy summons comes to join  
The innumerable caravan, that moves  
To that mysterious realm, where each shall take  
His chamber in the silent hall of death,  
Thou go not, like the quarry-slave at night,  
Scourged to his dungeon, but, sustained and soothed  
By an unfaltering trust, approach thy grave,  
Like one who wraps the drapery of his couch  
About him, and lies down to pleasant dreams.”



## Address of Honorable Frank E. Guernsey

MR. PRESIDENT AND GENTLEMEN OF THE PISCATAQUIS HISTORICAL SOCIETY:

I cannot let this occasion pass without recording a few words of respect to the memory of my friend, Colonel Joseph B. Peaks. The Piscataquis County Bar, by the death of Colonel Peaks, lost an honored and a distinguished member, who, in his long and active career, had been prominent in the trial of many important causes, and the State of Maine a most useful citizen who not only as a soldier served his country on the field of battle in the War of the Rebellion, but one who, in civil life, had held many high positions.

Nearly forty years ago he was admitted to the bar, and to the day of his death was engaged in the pursuit of his profession. In 1879 he was chosen prosecuting attorney for the County of Piscataquis and continued in that position until 1885. During that period he won fame in the successful conduct of many important criminal cases. As a practicing attorney he was unusually successful. The cause of every client—and it mattered not to him whether the case was large or small—the client a person of influence or otherwise, or whether he would be well paid for his services, or the prospects slight that he would be rewarded at all, when once he had entered upon the case it became his personal matter and the preparation

for trial carefully and fully made. Every legal right of his client was presented and every legal right enforced so far as it lay in his power, and I know from personal knowledge he was as just with his clients on the day of settlement as he was faithful in their service. His charges, always reasonable, were based on the service rendered rather than upon the amount his client could stand, if he were a man of wealth, while, on the other hand, if his client were poor he frequently undercharged for his professional services and often rendered no account for his labor.

He was not only a skilful lawyer but a most safe counselor who saved many a client from being involved in groundless litigation.

One of the most important works in the useful career of Colonel Peaks, and one that this community and this county may well place to his credit and praise, was his organization of the Dexter and Piscataquis Railroad Company in 1887. This enterprise, which will be of lasting importance and benefit to the people of Piscataquis County, was due largely to his efforts. He struggled against adverse conditions and at times when failure was freely predicted, but against opposition and discouraging circumstances he led in carrying through to completion the construction of the railroad that brought the twin towns in direct connection with Portland and Boston, and fifty miles nearer those centers by rail than they had previously been. And, further, what is remarkable in railroad building, the road through careful management of its finances paid a dividend before it was operated, and through a wise lease had ever since paid regular dividends to its stockholders.

His public service as County Attorney, legislator in the House and Senate of Maine, his work as Insurance Commissioner, and finally his eminent services as chair-

man of the Board of Railroad Commissioners through a long series of years, will perpetuate his memory in this State and make secure his record for all time.

My acquaintance with Colonel Peaks was not only as a professional man and as a public official, but for many years I knew him as one of my nearest neighbors and as such I knew him as a man of unusually fine sentiment towards his family, charitable and kind to his neighbors, thoughtful and generous towards the poor, ever ready to render assistance to worthy causes, private or public.

## Address of Reverend George A. Merrill

MR. PRESIDENT:

It is a pleasure to me, this afternoon, to say a few words in memory and in honor of a man whom I was glad to reckon as one of my best friends. Although more than five months have passed since his entrance into the higher life, even now I can hardly realize that he is gone. I used to see him and talk with him so frequently that his personality made a deep impression upon me. He had a very strong nature. The only evidence of weakness about him was his overworked and weary body during the last months of his earthly life. His mind was always alert, able to grasp a situation in its main features and important details with ease. My association with him impressed me with the fact that he was a man of very strong opinions, outspoken and firm in his convictions, yet judicious and fair in his decisions. I respected his political opinions, for they seemed always to be founded on wide reading and experience as well as acquaintance with men of affairs and political characters; and I do not hesitate to say that I miss sadly the illumination that came to me through conversation with him on political matters.

He had a love for the good and great in literature, having read widely, especially along the lines of history and legal discussion. He was not over-fond of fiction, but he appreciated good poetry, and I have often heard him quote fine passages that appealed to him strongly.

Abraham Lincoln was his hero. Everything written about or by the martyred President was read and re-read by him with the greatest interest. The Civil War, in which he participated, was a topic the consideration of which never wearied him. I have often heard him recount incidents of those stirring days.

He seemed to me to be a man of good judgment, one who was able to read the character of men well—a quality indispensable indeed in his profession, but one which he possessed, I feel, in an unusual degree. I do not need to speak of his high ability as a lawyer, for that was known to you all, and others, especially his associates at the bar, can speak of that with greater authority than myself. However, my acquaintance with him impressed me with his evident thoroughness and faithfulness in his legal work. He bore the burden of his clients' interests and did his best for them. Many will have cause to thank him, as they have already, I am sure, for his kindness and consideration in serving them.

He had a deep, rich fund of humor, which made him a pleasing and stimulating companion. There was a contagion in his friendly smile and hearty hand grasp that one could not escape. He had a wide circle of friends; but some there were, as it must always be, who were in the "*inner circle*." To these he opened the treasures of a well-stored mind and a kindly, generous spirit. He was broad in his sympathies and liberal in his religious faith. I always found him kind and appreciative. When he came to church, as he frequently did, he was a good listener, and was often ready with an encouraging word. Personally, I feel, as I have already had occasion to say, that in the death of Colonel Peaks a man has passed from the circle of my acquaintance whom I greatly respected and whom I regarded as one of my wisest counselors and truest friends.

## Address of Robert E. Hall, Esquire

MR. PRESIDENT:

I desire at this time to pay my tribute to the memory of our late fellow citizen and my brother attorney, Colonel Joseph B. Peaks.

Colonel Joseph B. Peaks was a good soldier, an able lawyer and an efficient public servant. He was a man of strong individuality, force and ability. He was a man who did things.

No man, great or mediocre, ever left the realm of human activities without leaving behind him written on the record of his life's actions and sayings some mistakes, shortcomings and failures. Colonel Peaks no doubt left his, but the sum total is what stands out to us on an occasion like this when we gather together to look back upon a profitable life and do honor to the man who lived it. Colonel Peaks was a man who did things. If he made a mistake, if he fell short in some attempted reach, if he failed altogether in some cherished purpose, he corrected, he made up in some other way, or he energetically took up the accomplishing of some other purpose, as the case might be, always rising above setbacks, defeats and attacks with undamped courage, force and effectiveness.

I knew Colonel Peaks best as one of the younger attorneys practicing at the bar with him and also through

the friendly relations which have always existed between our respective families. He was an able lawyer. As opposing attorney he was brusque, a fighter, jealous of every right of his client and if he bore down on his opponent a little hard in his zeal he made it up to him by some subsequent friendly act, for it was the spirit in him which "did things" rather than any desire to injure his adversary which made him press his opponent. I always came out of a brush with him a little brighter and wiser as a result of the impact, winner or loser, and I always found his zeal was equally strong when he was associated with me. If Colonel Peaks, in legal or political contests and discussions, encountered a man possessing some of his own indomitable fighting qualities, fire was sometimes struck, but one of the best things about him was that he never harbored a grudge. After the battle was over he was the same affable gentleman and friend and never held it against a man that he had opposed or fought him in law, politics or otherwise.

As a lawyer Colonel Peaks was most helpful to me, a younger man of less experience, by his ready advice and suggestions. Our offices faced each other across the corridor, and we visited back and forth frequently. He was always ready to lay aside his work to discuss with me some point of law or to give me the benefit of his longer experience in matters of practice and expediency. I shall always remember and appreciate his helpfulness at the outset of my practice.

As a friend, neighbor and man in his family, Colonel Peaks was a most generous, agreeable, courteous and interesting gentleman. He was generous almost to a fault and as host could not do enough for the comfort and pleasure of his guests. He was a genial and kindly neighbor, tender hearted and solicitous toward all in his neighborhood and ready at all times to lend a helping

hand to any and all to whom the little neighborly lifts, which mean so much at times, would be of benefit, assistance or comfort. At public meetings and social gatherings he was always welcomed as a man of consequence who always had something interesting to say. As the head of his family he was most wise, liberal and affectionate; ever ready to make any sacrifice for the advancement and benefit of the members of his household.

Colonel Peaks was always active and prominent in the big things of the community. Because of his ability, energy and interest he was among the people talked about in his town, county and state. The official positions he has so well filled have already been mentioned, as have also his achievements as a soldier, attorney and public man. He was a man who did things and as such we do and shall miss him; as such we honor his memory.



## Address of Liston P. Evans

It was only yesterday afternoon it was suggested that I might be asked to say something, and I have been so busy that I have not been able to make any preparation.

It hardly seems necessary to speak of Colonel Peaks except as a friend. I have been associated with him in a business way for more than twenty years, and thought I knew him, but it was only until in recent years when I came to call upon him in his home, as I did very frequently, spending many pleasant hours and Sunday afternoons, that I came to know him indeed, and, as has already been stated, I found that in his family life he was an ideal man.

I esteemed him my friend, a dear friend, and while a great many men have gone out from us whom I esteemed my friends, no one of them has stayed in my mind as he has; others have gone and been soon forgotten and gone from the mind, but he has not.

Often as I go to the post office, perhaps in the evening, I will see somebody coming in the twilight and I will say, "There is Colonel Peaks," seeing him as I used to for many years; and in the home, where he used to call upon me in my home, the chair that he used to occupy, when I see that, he comes to my mind. He made that impression on me. His strong character was apparent, and so I can say that when he left us I lost a dear friend.

## Address of Honorable Wainwright Cushing

I think the thanks of this society are due to Judge Smith for the admirable paper which he has presented on the life of Colonel Peaks. To my mind it was absolutely true. I knew him well as a comrade of the Grand Army of the Republic and for years before his health gave out we were at the lake. I remember on one occasion we entertained the Governor of Maine and his staff.

Twenty-five years ago I was placed in a position where I needed a sum of money, and I did not think of any one in this town that I could go to to get it except Colonel Peaks. I went to him and said that I wanted two hundred dollars. He said, "You shall have it." I said, "Do you want a note?" and he said, "No, your word is good." I have always esteemed him from that time as one of my dearest and best friends.

## Address of Osgood P. Martin

I have nothing to occupy the time today, but I will say that I am very glad to have been here and heard the papers of Mr. Smith and Mr. Hall, also the remarks generally.

I knew Mr. Peaks very well. I knew him to have plenty of friends and plenty of enemies, and no man ever does anything in this world unless he makes both. I also had a high regard for him; he would not give up anything he had undertaken to do if there was any possible way of accomplishing it.

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(THE PRESIDENT): The motion before this meeting is upon accepting the report of your committee and the adoption of the resolutions read.

It was so voted and the resolutions were adopted.

Adjourned.

EDGAR C. SMITH, Secretary, *pro tem.*



## Joseph B. Peaks

### Proceedings of the Piscataquis County Bar

On the afternoon of Tuesday, September 17, 1912, the first day of the September term, Mr. Justice Haley presiding, at the conclusion of the regular business of the day, Henry Hudson, Esquire, chairman of the committee appointed to prepare resolutions on the death of the late Colonel Joseph B. Peaks, addressed the Court, saying:

May it please your Honor: In behalf of the bar of this county and as chairman of the committee on resolutions in respect to the memory of our late brother, Joseph B. Peaks, I desire to present at this time the resolutions which have been prepared by the committee. I will read them:

### Resolutions

Colonel Joseph B. Peaks of Dover, Maine, died on the 20th day of November, 1911, at the age of seventy-two years. He was born at Charleston, Maine, on the 26th day of September, 1839. He served as a soldier in the Civil War, in the old Sixth Massachusetts Regiment of Volunteer Infantry, and also the First Maine Cavalry. He was admitted to the Maine Bar at the term of court held at Dover on the 27th day of February, 1872. Although he first practiced his profession in Pittsfield, Maine, the greater part of his professional life work was

done at Dover at this Bar. He has held many offices of honor both under the town, county and State governments.

He was Insurance Commissioner from 1879 to 1883 and held the very important office of Railroad Commissioner from 1895 to 1910. He was an honorable and successful practitioner of the law; faithful to his clients and to the Court, and here in this room, where he has so long and so successfully practiced his chosen profession, it is peculiarly fitting that the Bar of which he was an honored member should seek to place upon the records of the court a memorial of their admiration and their respect.

Resolved, that the members of the Piscataquis Bar recall with sorrow the death of their late brother; that they recall with pride his strength of character and his splendid powers as an advocate. That his devotion to the law as a science, and his fidelity to his clients and to the Court, and his faithfulness to his official trusts deserve and have received the admiration of his colleagues.

Resolved, that these resolutions be presented to the Court for its action and pray that this Honorable Court may order the same spread upon the records.

HENRY HUDSON,	}	Committee
C. W. HAYES,		on
M. L. DURGIN,		Resolutions.

## Address of Henry Hudson, Esquire

MAY IT PLEASE YOUR HONOR:

The reading of these resolutions brings back to my memory many, many things. For a number of years in our early professional lives Brother Peaks and I had practiced at the bar in this county, and for some years were nearly always on opposite sides. My relations with Brother Peaks began very early in life, and the relations between our families, more especially the relations between my late wife and his wife, commenced in childhood. Both ladies were reared within a stone's throw of this court house, the street only dividing their homes.

I was admitted to the bar at the September term, 1875. Brother Peaks had been admitted three years and a half earlier, but for a short time after his admission he did not engage in active practice. When I came to the bar he was in practice in Somerset County. Soon after my admission he returned to Dover and opened an office here, and continued thereafter the practice of his profession in this county.

In those early days Colonel Peaks and myself were associated together in the trial of many important cases. Our late Brothers Lebroke, Robinson and Everett, who passed away many years ago, were then in active practice at this bar. It was then sometimes said it was "the old men against the steer team," as Colonel Peaks and I

were called. In the trial of these cases Colonel Peaks usually conducted the presentation of the evidence and I closed with the argument. But within a short space of time, as it now appears to me as I look back upon that period, our elder brethren passed away, and Brother Peaks and I appeared more often upon opposite sides. While we sometimes had sharp tilts in court, and while we were not in accord upon the political questions before the people in those days, yet we were always good friends. If we had a sharp encounter in court, it was quickly forgotten and no mention made of it thereafter. Well do I remember an incident which occurred twenty years ago this very term of court. It was the day following our annual September election. It had been a hot campaign, and we had both been active upon the stump throughout the county, upon opposite sides. On that day, twenty years ago, Brother Peaks, standing in yonder door, said to me, "Henry, how are you feeling?" I said, "All right; how are you?" He replied, "All right." And so it was "all right" as between my Brother Peaks and me. We were friends always. Although we were often arrayed against each other in court, this friendship continued down through all the years, and I desire to say to your Honor—and I weigh well the words I speak—there never was a man in this county with a heart more kind, or one who would do more for one in trouble or distress than our Brother Peaks.

In practice at the bar there were few who were keener, or who could see a point more quickly, and any attorney trying a case against him who thought to have an easy task, or who thought possibly some point might be overlooked, was sure to find himself mistaken.

I do not know that I can add more; certainly I cannot say anything of our late Brother that is not already



well known to a greater portion of the members of the bar. He was an important factor, not only at the bar, but in the policies of the State. As stated in the resolutions, he held important offices, and in them all he discharged his duties faithfully and well. That is shown by his service of fifteen years upon the Board of Railroad Commissioners of this State. But he has passed away. I can hardly realize that I am, save one, who sits at my left (Mr. Sprague) now the oldest member of this bar in point of service; but soon some of the younger members will take our places.

If your Honor please, I move that the resolutions be entered of record.

## Address of Charles W. Hayes, Esquire

MAY IT PLEASE THE COURT:

I cannot allow this occasion to pass without adding a word of tribute to the memory of Brother Peaks. He was one of the older practitioners of the bar when I came into practice in 1890. He practiced in Dover, and I in Foxcroft—substantially the same town,—and during the last years of his life we were very closely associated. I heartily concur in the resolutions, and in all that my Brother Hudson has said in regard to the ability and personal character of Brother Peaks. Those of us who were privileged to practice law with him and against him—especially those of us who practiced against him—can but feel that we were benefited and better prepared as members of the profession in our experience in trying cases with him. He was a man of excellent qualities, and a man of great energy. Unprepared as I am at this time, I will not attempt to call attention to many things within my knowledge which would illustrate his energy; but I do know that upon several occasions during my personal relations with him when, owing to the condition of his health, his strength was so reduced that he was obliged to go from the court to his home and take his bed for days.

No one at the bar, since I have been in practice at least, has ever shown greater energy and fidelity to the interests of his clients, at times both impairing his health

and exhausting his strength in their behalf in the conduct of cases in court. But aside from his professional career, which is so well known to us all, and in a measure to your Honor, he was a man of great influence in public affairs. In the fifteen years during which he was a member of the Railroad Commission of this State, through his energy, influence and industry, the scope of that commission was greatly enlarged, and by his intellect its duties and functions largely moulded and framed.

Brother Peaks was a soldier as well. He served in the great civil conflict in a regiment sent to the front from Massachusetts and in a regiment sent from Maine as well. As illustrating the nature of the man I will mention a story which I have heard him relate as to his experience with his regiment while passing through Baltimore in '61, when the regiment was mobbed, while the soldiers were upon a train about to start for Washington. Some of the sympathizers with secession sought to uncouple a car from the train, loaded with his comrades, that it might be left behind. Colonel Peaks was ordered by his superior officer to prevent such an act, and, if necessary, to take the life of anyone who should attempt to detach the cars from the train. He modestly said that he prevented the uncoupling of the car, and the train proceeded on its way. Brother Peaks was eminently a man of action, as well as an able lawyer and a thorough practitioner, and as such he will be remembered by us all, as long as we live. I heartily second the resolutions which have been presented.

## Address of Martin L. Durgin, Esquire

I most sincerely and heartily concur in the resolutions which have been presented. My acquaintance with our Brother Peaks extended over a period of thirty-four years. When I was first admitted to the bar in this county our relations became more than ordinarily intimate; they were sincerely and truly friendly to a very large degree. I think perhaps, with the exception of Brother Hudson, I counseled with him in the years that he lived and practiced here, more than any other member of the bar, and I always found him courteous, polite and obliging, and ever ready to assist a younger attorney, or one less endowed with the abilities which he possessed.

Colonel Peaks was not only strongly endowed mentally, but he was also a man who had the courage of his convictions. He entered into his work as an advocate without fear, and for an attorney often compelled to engage in a legal battle without preparation and upon short notice, I do not know that I ever saw his equal.

He was not only courteous to his brother attorneys, but always anxious to fulfill his duty toward them. He was fearless in the expression of his opinions upon questions of right and wrong, and always ready to maintain them. As I have stated, my friendship with Brother Peaks continued through all the years of our acquaintance, and when the sad news of his death came, I realized

that I had, indeed, lost a true and loving friend.

I second the resolutions which have been presented.

Then, at the request of the president of the Bar Association, Edgar C. Smith, Esquire, read the biographical sketch of Colonel Peaks, which appears in the proceedings of the Historical Society.

## Response by the Court

### BRETHREN OF THE PISCATAQUIS BAR:

I have listened with great interest to your tributes to the memory of our deceased Brother. For many years I had the pleasure of being personally acquainted with Brother Peaks, but as we lived in different sections of the State, I had not that intimate acquaintance with him that you enjoyed; but our acquaintance was so intimate that I was impressed by his intellect and his knowledge of the law, and I think I may truthfully say that no lawyer who had legal business with him could fail to realize that he was one of the leaders of the bar.

Occasions like this I believe to be of great benefit. Our attention is taken from the present and turned to the past, and as we look upon the life work of the dead we involuntarily feel in our hearts the desire to so live that when we depart from this life we, too, shall leave behind us such a record that not only our brethren of the bar but all our friends will point to it with pleasure and pride.

Brother Peaks' life should serve as an incentive to the members of the bar. Handicapped by an illness that would have discouraged many, he fought his way to the front and became a leader in his profession and in his political party, and helped to shape the affairs of the State. It can be truthfully said that his life counted for good in the progress the world is making. His life

and character have been so well portrayed in the remarks that have been made by the brethren of the bar that it would be useless for me to attempt to add anything further; but I can truthfully say that his memory deserves the tributes you have rendered to it. The resolutions are accepted and are ordered to be made a matter of record, and as a further evidence of our respect for our deceased Brother the court will now adjourn until to-morrow morning.

The court was then adjourned.









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